



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

CommonWealth New Bedford Energy, LLC
7 Winslow Way
Mansfield, MA 02048

INFORMATION RELIED UPON:

Application No. SE-12-019
Transmittal No. X251351

FACILITY LOCATION:

Greater New Bedford LFG Utilization Project
Crapo Hill Landfill
300 Samuel Barnet Boulevard
Dartmouth, MA 02745

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200624
FMF FAC NO.: 402936
FMF RO NO.: 402937

NATURE OF BUSINESS:

Electric Power Generation

Standard Industrial Classification (SIC): 4911

North American Industrial Classification System
(NAICS): 221119

RESPONSIBLE OFFICIAL:

Name: Mr. Thomas Yeransian
Title: Principal

FACILITY CONTACT PERSON:

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This Operating Permit shall expire on July 30, 2018.

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Permit Chief, Bureau of Waste Prevention

Date **July 30, 2013**

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SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

DESCRIPTION OF FACILITY AND OPERATIONS

CommonWealth New Bedford Energy, LLC, operates the Greater New Bedford LFG Utilization Project, a landfill gas (LFG) to energy, electric power generation facility located at the Crapo Hill Landfill in Dartmouth, Massachusetts. The facility is a major source, as defined in 310 CMR 7.00:Appendix C, of carbon monoxide (CO). The approved operation consists of up to five (5) identical LFG-fired reciprocating engine/generator sets. The reciprocating engines are Caterpillar Model 3516 engines. Each engine/generator set has a nominal output rating of approximately 825 kW of electricity, and a maximum output rating of 900 kW of electricity. The engines are housed in a generation building. Each engine has a separate exhaust stack, which discharges through the generation building roof at an exhaust height of 30 feet above ground. All of the combusted LFG comes from the Crapo Hill Landfill, which is owned and operated by the Greater New Bedford Regional Refuse Management District.

Other equipment associated with Emission Unit Nos. 1 through 5 (EU-1 through EU-5) include a LFG production system which conditions the LFG with a knockout drum, 2 (redundant) blowers, a cooler, and a coalescing filter. The condensate from the conditioned LFG drains into the Landfill's leachate collection system for disposal. The engines are serviced by a closed-loop lubricating oil system that consists of a 2,000-gallon virgin oil tank and a 2,000-gallon waste oil tank. Each engine is cooled by a glycol/water mix that is run through a radiator outside of the building. The facility also maintains a cold cleaning degreaser-parts washer identified as Emission Unit 6 (EU-6). The parts washer is subject to and operated in accordance with 310 CMR 7.03(8) and 310 CMR 7.18(8)(a).

The key parameters that govern the facility operation are monitored and recorded through a supervisory control and data acquisition (SCADA) system. This electronic operator interface system allows for remote access to facility operations and is the main monitoring/recordkeeping tool. In addition, operation of the engine-generators is controlled by General Electric Fanuc programmable logic controllers (PLCs) located in the switchgear for each engine. Controls include air-to-fuel ratio control, load control, electric generation controls and protective relays. The operation and control of the motors are by variable frequency drives (VFDs). The VFDs operate motors that drive the LFG blowers, the cooler, the engine room ventilation fans, and the radiators.

The facility is an area source of Hazardous Air Pollutants ¹ (HAP), as defined at 40 CFR Part 63.6585(c). The four (4) existing engines (EU-1, EU-2, EU-3, EU-4) were installed prior to June 12, 2006. EU-1, EU-2, EU-3, EU-4 are subject to requirements for existing, non-emergency, non-

¹ Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments, Section 112(b).

black start, LFG-fired, stationary, spark ignited, reciprocating internal combustion engines (RICE) at 40 CFR Part 63, Subpart ZZZZ. The Subpart ZZZZ compliance date for EU-1, EU-2, EU-3 and EU-4 is October 19, 2013. The facility is approved for the installation of one (1) additional engine (EU-5). At the time of installation of EU-5, the Permittee shall notify MassDEP, evaluate the installation according to applicable State and Federal regulations, and modify Operating Permit as necessary. The facility does not currently have any emission units subject to requirements at 40 CFR Part 64, Compliance Assurance Monitoring (CAM).

A list of any exempt activities shall be maintained as indicated in Section 3, Table 2. Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

Table 1			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU-1 through EU-5 ^(note 1)	Caterpillar Model No. 3516, Internal Combustion Engine	10,070,000 Btu/hr (maximum energy input) 900 kW (maximum generator output)	None
EU-6	Parts Washer (Cold Cleaning Degreaser)	Meets design specifications at 310 CMR 7.18(8)(a)3.	None

Key:
 CMR = Code of Massachusetts Regulations
 EU = Emission Unit
 LFG = Landfill Gas
 Btu/hr = British Thermal Units per hour
 kW = kilowatt
 No. = Number
 PCD = Pollution Control Device

Table 1 Footnote:

(1) Facility currently consists of four (4) identical Caterpillar Engines which are identified in this Operating Permit as EU-1, EU-2, EU-3 and EU-4. EU-5 has not yet been installed.

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

Key:
 CMR = Code of Massachusetts Regulations
 MassDEP = Massachusetts Department of Environmental Protection

4. APPLICABLE REQUIREMENTS

A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Table 3 below:

Table 3					
EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-1	LFG	NO _x	N/A	0.166 lb/MMBtu	4B04015
EU-2				0.60 g/bhp-hr	
EU-3				0.62 tons/month	
EU-4				7.32 tons/year ^(Note 1)	
EU-5 (per engine) (Note 2)		CO	N/A	0.83 lb/MMBtu	4B04015
				3.11 tons/month	
				36.61 tons/year ^(Note 1)	
		NMOC	N/A	0.083 lb/MMBtu	4B04015
				0.31 tons/month	
				3.66 tons/year ^(Note 1)	
		VOC	N/A	0.083 lb/MMBtu	4B04015
				0.31 tons/month	
				3.66 tons/year ^(Note 1)	
		PM	N/A	0.06 lb/MMBtu	4B04015
				0.21 tons/month	
				2.40 tons/year ^(Note 1)	
		SO ₂	LFG H ₂ S ≤ 200 ppm _v	0.064 lb/MMBtu	4B04015
				0.24 tons/month	
				2.81 tons/year ^(Note 1)	
EU-1	LFG	HAP ^(Note 6)	Change oil and filter every 1440 hours of operation or annually ^(Note 3) , whichever comes first;	40 CFR Part 63, Subpart ZZZZ §§ 63.6603(a), 63.6625(j) and Table 2d	
EU-2			Inspect spark plugs every 1440 hours of operation or annually, whichever comes first; and		
EU-3			Inspect all hoses and belts every 1440 hours of operation or annually, whichever comes first, and replace as necessary.		
EU-4					
			At all times operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.	40 CFR Part 63, Subpart ZZZZ § 63.6605(a) and (b)	

Table 3

EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-1 EU-2 EU-3 EU-4	LFG	HAP ^(Note 6)	<p>i. Operate and maintain the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or</p> <p>ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.</p> <p>Minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.</p>		<p>40 CFR Part 63, Subpart ZZZZ § 63.6625(e) and Table 6</p> <p>40 CFR Part 63, Subpart ZZZZ § 63.6625(h) and Table 2d</p>
EU-1 EU-2 EU-3 EU-4 EU-5 (Combined) (Note 4)	LFG	NO _x	See heat input limit below	3.10 tons/month	4B04015
			See heat input limit below	36.6 tons/year ^(Note 1)	
		CO	See heat input limit below	15.5 tons/month	4B04015
			See heat input limit below	183.0 tons/year ^(Note 1)	
		VOC	See heat input limit below	1.55 tons/month	4B04015
			See heat input limit below	18.3 tons/year ^(Note 1)	
		NMOC	See heat input limit below	1.55 tons/month	4B04015
			See heat input limit below	18.3 tons/year ^(Note 1)	
			Operate each EU at all times when the collected LFG is routed to the EU	Each EU shall reduce NMOC emissions by 98% by weight, or reduce the stack NMOC concentration to < 20 ppm _{vd} , as hexane, at 3% O ₂	4B04015
		PM	See heat input limit below	1.05 tons/month	4B04015
			See heat input limit below	12.2 tons/year ^(Note 1)	
		SO ₂	See heat input limit below	1.20 tons/month	4B04015
			See heat input limit below	14.0 tons/year ^(Note 1)	
		All	Maximum heat input of LFG shall not exceed 37,460 MMBtu per month	N/A	4B04015
		All	Maximum heat input of LFG shall not exceed 440,925 MMBtu in any consecutive 12 month period	N/A	4B04015
EU-1 EU-2 EU-3 EU-4 EU-5	LFG	Visible Emissions	Stack emissions shall not exceed 0% opacity (no visible emissions), with the exception of up to five (5) minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06		4B04015
EU-6	Non-halogenated solvent	VOC	Solvent consumption < 100 gallons per month per unit	Operating procedures identified at 310 CMR 7.18(8)(e); and design features and specifications identified at 310 CMR 7.18(8)(a); or specifications at 310 CMR 7.18(8)(d)	<p>310 CMR 7.03(8)</p> <p>310 CMR 7.18(8)(a)</p> <p>310 CMR 7.18(8)(d)</p> <p>310 CMR 7.18(8)(e)</p>

Table 3					
EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
Facility-wide	All	Greenhouse Gas (GHG) Emissions (Note 5)	N/A	N/A	310 CMR 7.71 (State only requirement)

Key:

Btu	= British thermal units
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CH ₄	= Methane
CO	= Carbon monoxide
CO ₂	= Carbon dioxide
EU	= Emission Unit
GHG	= Greenhouse Gas
g/bhp-hr	= Grams per brake-horsepower hour
HAP	= Hazardous Air Pollutant(s)
H ₂ S	= Hydrogen Sulfide
lb/MMBtu	= Pounds per million Btu
LFG	= Landfill Gas
MMBtu	= Million Btu
N/A	= Not Applicable
NMOC	= Non-Methane organic compounds
No.	= Number
NO _x	= Nitrogen Oxides
N ₂ O	= Nitrous Oxide
O ₂	= Oxygen
PM	= Particulate matter
ppm _v	= Parts per million, by volume
ppm _{vd}	= parts per million, by volume, dry basis
RICE	= Reciprocating Internal Combustion Engine
SO ₂	= Sulfur dioxide
SF ₆	= Sulfur Hexafluoride
tons/month	= tons per month
tons/year	= tons per consecutive 12 month period
VOC	= Volatile Organic Compounds
%	= Percent
<	= Less than
≤	= Less than or equal to
§	= Section
§§	= Sections

Table 3 Foot Notes:

- (1) Year means consecutive 12 month period. To calculate the amount of a consecutive 12 month period take the current calendar month amount and add it to the previous 11 calendar months total amount.
- (2) Emission limits listed are for individual emission units.
- (3) Sources have the option to utilize an oil analysis program as described in § 63.6625(j) in order to extend the specified oil change requirement in Table 2d of this subpart.
- (4) Emission limits and Heat Input limits represent a combined total for up to five emission units.
- (5) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
- (6) Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments, Section 112(b).

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

Table 4	
EU	Monitoring And Testing Requirements
EU-1 EU-2 EU-3 EU-4 EU-5	1. In accordance with Plan Approval No. 4B04015, one operable oxygen analyzer shall be maintained on-site and record shall be maintained of the stack outlet oxygen (O ₂) levels at least once per week on each engine.
	2. As applicable, and in lieu of oil change required in Table 3, analyze engine oil for Total Acid Number, viscosity, and percent water content as specified at 40 CFR §63.6625(j).
	3. In accordance with Plan Approval No. 4B04015, each engine/generator set shall be continuously monitored for run time and kW produced.
	4. In accordance with Plan Approval No. 4B04015, a LFG flow recorder shall be maintained so that an on-site record of the total volume of LFG (scf) fired by the five (5) engine/generator sets will be available by date and time period.
	5. In accordance with Plan Approval No. 4B04015, the heat input of LFG (Btu) fired in each EU shall be determined by gas chromatograph and/or field measurements for each month and for each consecutive 12-month period.
	6. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., monitor the H ₂ S concentration (ppm _v) of the LFG to be combusted on a monthly basis. The sampling shall be conducted using a protocol and test method(s) that are approved by MassDEP.
	7. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., perform monthly visible emissions observations of each engine exhaust, in accordance with 40 CFR Part 60, Appendix A, Method 22, for a time period no less than fifteen (15) minutes while the engines are in operation.
	8. In accordance with Plan Approval No. 4B04015, the facility shall be constructed to accommodate the emission testing requirements contained in 40 CFR Part 60, Appendix A.
	9. In accordance with Plan Approval No. 4B04015, the ability of the facility to maintain emission rates at or below approved levels shall be demonstrated to the MassDEP in the future if deemed necessary. Compliance testing, if requested by MassDEP, shall be conducted in accordance with MassDEP's "Guideline for Source Emission Testing" and test methods and procedures contained in 40 CFR Part 60, Appendix A.
EU-5	10. In accordance with Plan Approval No. 4B04015, emission testing shall be performed to determine compliance with approved CO, NMOC and NO _x emission limits. Emission testing shall be completed within ninety (90) days from the date the engine commences LFG burning after startup of the facility.
	11. Upon installation the Permittee shall conduct, as applicable, monitoring and performance testing required at 40 CFR Part 60 and 40 CFR Part 63.
	12. In accordance with Plan Approval No. 4B04015, a NO _x /CO optimization/minimization diagnostic emission test program shall be conducted prior to emission testing.
EU-6	13. In accordance with 310 CMR 7.18(8)(h), Persons subject to 310 CMR 7.18(8) shall, upon request of the MassDEP, perform or have performed test to demonstrate compliance. Testing shall be conducted in accordance with a method approved by the MassDEP and EPA.

Table 4	
EU	Monitoring And Testing Requirements
Facility-wide	14. In accordance with Plan Approval No. 4B04015 and 310 CMR 7.12, monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement.
	15. In accordance with 310 CMR 7.71(1) and 310 CMR 7.00: Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF ₆ usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State only requirement)
	16. In accordance with 310 CMR 7.13(1) Any person owning, leasing, operating or controlling a facility for which the MassDEP has determined that stack testing is necessary to ascertain compliance with the MassDEP's regulations or design approval provisos shall cause such stack testing: <ul style="list-style-type: none"> a) to be conducted by a person knowledgeable in stack testing, b) to be conducted in accordance with procedures contained in a test protocol which has been approved by the MassDEP, c) to be conducted in the presence of a representative of the MassDEP when such is deemed necessary, and d) to be summarized and submitted to the MassDEP with analysis and report within such time as agreed to in the approved test protocol.
	17. In accordance with 310 CMR 7.13(2) Any person having control of a facility relative to which the MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulatory enforcement or determination of regulatory compliance shall cooperate with the MassDEP to provide: <ul style="list-style-type: none"> a) entrance to a location suitable for stack sampling, b) sampling ports at locations where representative samples may be obtained, c) staging and ladders to support personnel and equipment for performing the tests, d) a suitable power source at the sampling location for the operation of sampling equipment, and e) such other reasonable facilities as may be requested by the MassDEP.
	18. In accordance with 310 CMR 7.00: Appendix C (9)(b), the Permittee shall; <ul style="list-style-type: none"> a) comply with all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including those promulgated pursuant to 42 U.S.C. 7401, §§ 504(a) and 504(b) or 114(a)(3); b) If the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of record keeping designed to serve as monitoring), then the permittee shall perform periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. Such monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements; and c) The permittee shall comply with requirements concerning the use, maintenance and installation of monitoring equipment or methods as the MassDEP deems appropriate.

Key:

Btu	= British thermal units
c.	= chapter
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CO	= Carbon Monoxide
EU	= Emission Unit
H ₂ S	= Hydrogen Sulfide
LFG	= Landfill Gas
MassDEP	= Massachusetts Department of Environmental Protection
M.G.L.	= Massachusetts General Law

NO _x	= Nitrogen Oxides
No.	= Number
O ₂	= Oxygen
ppm _v	= Parts per million, by volume
scf	= standard cubic foot
SF ₆	= Sulfur Hexafluoride
U.S.C.	= United States Code
§	= Section
§§	= Sections

Table 5

EU	Record Keeping Requirements
EU-1 EU-2 EU-3 EU-4 EU-5	1. In accordance with Plan Approval No. 4B04015, a record of stack oxygen levels, as determined at least weekly during operation, shall be maintained for each engine.
	2. In accordance with Plan Approval No. 4B04015, a copy of the NO _x /CO optimization/minimization program report for each engine shall be maintained on-site.
	3. In accordance with Plan Approval No. 4B04015, a record of the volume of LFG (scf) fired in each engine/generator set for each month and for each consecutive 12 month period shall be maintained on-site. This record shall take into account the total volume of LFG fired by the combined engine/generator sets, and the individual engine/generator set run time and amount of electricity produced.
	4. In accordance with Plan Approval No. 4B04015, the heat input of LFG (Btu) fired in the engine/generator sets for each month and consecutive 12 month period shall be maintained on-site.
	5. In accordance with Plan Approval No. 4B04015, a record of NO _x , CO, NMOC, VOC, PM, and SO ₂ monthly and consecutive 12 month period emission rate records for each engine/generator set shall be maintained on-site.
	6. In accordance with Plan Approval No. 4B04015, a copy of the Standard Operating and Maintenance Procedures for all subject equipment shall be maintained on-site.
	7. In accordance with Plan Approval No. 4B04015, an operation log, or other record keeping system, shall be maintained on-site at a level of detail sufficient to document that the Operation and Emission Limits in Table 3 are not exceeded.
	8. In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of the monthly H ₂ S monitoring results to include H ₂ S concentration (ppm _v) in LFG and the corresponding SO ₂ emission calculations.
	9. In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of the monthly visible emissions observations to include date and time period of the observations, the result of observations with respect to visible emissions, and a description of the facility operations at the time of the observation.
	10. In accordance with Plan Approval No. 4B04015, all operating and monitoring records, including emission test reports, shall be maintained for the life of the facility; the five most recent years of data/records shall be maintained on-site.
EU-1 EU-2 EU-3 EU-4	11. In accordance with 40 CFR 63.6655(a)(2), maintain records of the occurrence and duration of each malfunction of operation or the air pollution control and monitoring equipment.
	12. In accordance with 40 CFR 63.6655(a)(5), maintain records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
	13. In accordance with 40 CFR 63.6655(d), maintain records of manufacturer's emission-related operation and maintenance instructions; or the facility maintenance plan, if developed as allowed at 40 CFR 63, Subpart ZZZZ, Table 6.

Table 5	
EU	Record Keeping Requirements
EU-1 EU-2 EU-3 EU-4	14. In accordance with 40 CFR 63.6655(d) and (e), maintain records of the maintenance (and monitoring as specified at §63.6625(j), if applicable) conducted on the stationary RICE in order to demonstrate that the RICE was operated and maintained according the requirements of 40 CFR 63, Subpart ZZZZ, Table 2d and Table 6.
EU-6	15. In accordance with 310 CMR §§7.03(6) and 7.18(8)(g), prepare and maintain records sufficient to demonstrate continuous compliance as stated in 310 CMR 7.18(8)(f) and with the monthly solvent usage restriction in 310 CMR 7.03(8). Records shall include, but are not limited to: identity, quantity, formulation and density of solvent(s) used and waste solvent(s) generated.
Facility-wide	16. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the Department upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)
	17. In accordance with Plan Approval No. 4B04015, a record keeping system shall be established and maintained on-site. All records shall be maintained up-to-date such that the year-to-date information is readily available for MassDEP examination. Record keeping shall, at a minimum, include: <ul style="list-style-type: none"> a) a record of routine maintenance activities performed on emission unit control and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed; and b) a record of all malfunctions on emission unit control and monitoring equipment shall include, at a minimum: the date and time the malfunctions occurred; a description of the malfunctions and the corrective actions taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the emission unit returned to compliance. <p>All records shall be kept on-site for five (5) years and shall be made available to MassDEP personnel upon request.</p>
	18. In accordance with 310 CMR 7.12, maintain records to facilitate compilation of data for the required Source Registration submittal.

Key:

Btu	= British thermal units
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CO	= Carbon Monoxide
EU	= Emission Unit
H ₂ S	= Hydrogen Sulfide
LFG	= Landfill Gas
MassDEP	= Massachusetts Department of Environmental Protection
NMOC	= Non-Methane organic compounds
NO _x	= Nitrogen Oxides
No.	= Number
PM	= Particulate matter
ppm _v	= Parts per million, by volume
RICE	= Reciprocating Internal Combustion Engine
scf	= standard cubic foot
SO ₂	= Sulfur dioxide
VOC	= Volatile Organic Compounds
§	= Section

Table 6

EU	Reporting Requirements
EU-1 EU-2 EU-3 EU-4 EU-5	1) In accordance with Plan Approval No. 4B04015, revisions to the Final Standard Operating and Maintenance Procedures shall be submitted to the MassDEP within seven (7) days from their initial use.
	2) In accordance with Plan Approval No. 4B04015, the MassDEP's Permit Chief for the Bureau of Waste Prevention at this office must be notified by telephone, or fax within 24 hours, and with written notification within ten (10) days, after occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.
EU-5	3) In accordance with Plan Approval No. 4B04015, notification to the MassDEP, in writing, shall be made within 10 days from the date that each unit commences LFG burning after startup of the facility.
Facility-wide	4) In accordance with Plan Approval No. 4B04015, the emissions from the facility shall be reported as required by 310 CMR 7.12.
	5) In accordance with Plan Approval No. 4B04015, a stack test protocol shall be submitted to the MassDEP at least 30 days prior to the commencing of compliance testing. The final emission report shall be submitted to the MassDEP within 30 days from completion of on-site testing.
	6) In accordance with 310 CMR 7.71(5), by April 15 th , 2010 and April 15 th of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO _{2e} . Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (State only requirement)
	7) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the MassDEP or the registry. (State only requirement)
	8) In accordance with 310 CMR 7.71(7), by December 31 st of the applicable year submit to the MassDEP documentation of triennial verification of the greenhouse gas emissions report. (State only requirement)
	9) In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.
	10) In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	11) In accordance with 310 CMR 7.00: Appendix C (10)(f), the Permittee shall promptly report to the MassDEP all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of the deviation, and any corrective actions or preventative measures taken.
	12) Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.
	13) In accordance with 310 CMR 7.00: Appendix C (10)(h), all required reports must be certified by a responsible official consistent with 310 CMR 7.00: Appendix C (5)(c).

Table 6	
EU	Reporting Requirements
Facility-wide	14) Unless otherwise noted ^(Note 1) , all notifications and reporting required by this Operating Permit shall be sent to: Department of Environmental Protection Bureau of Waste Prevention Southeast Regional Office 20 Riverside Drive Lakeville, MA 02347 ATTN: Chief, Permit Section Telephone: (508) 946-2770 Fax: (508) 947-6557

Key:

CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CO _{2e}	= Carbon dioxide equivalent
EU	= Emission Unit
EPA	= United States Environmental Protection Agency
MassDEP	= Massachusetts Department of Environmental Protection
No.	= Number
SSM	= Startup, Shutdown and Malfunction
§	= Section

Table 6 Foot Notes:

(1) The annual Source Registration/Emission Statement shall be submitted to the MassDEP office specified in the instructions.

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility is below employee threshold
40 CFR Part 64: Compliance Assurance Monitoring	Facility has no subject emission units

Key:

CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

Table 8.	
Special Terms and Conditions	
Facility-wide	1) Emission units EU-1 through EU-5 construction shall be consistent with the Equipment and Design Schedule in Plan Approval No. 4B04015 as follows: <u>Engine/Electric Generator Sets</u> Manufacturer Caterpillar (or equiv.) Model No. 3516 (or equiv.) Max. Heat Input 10.07 MMBtu/hr/engine @ 900 kW Fuel Landfill Gas Maximum Output 900 kW/generator Nominal Output 825 kW/generator Max. Stack Exit Temperature 960 °F Stack Material Steel Stack Height 30 feet above ground Stack Exit Diameter 12 inches Silencer Manufacturer EM Products (or equiv.) Silencer Model No. JCS12-X2608 (or equiv.) <u>Approximate Facility Location</u> UTM Coordinates 334925 East, 4620880 North (Zone 19) Latitude/Longitude North 41° 43' 28", West 70° 59' 5"
	2) Emission units EU-1 through EU-4 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table"8" to Subpart ZZZZ of 40 CFR 63] except §§ 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), 63.9(g) and 63.9(h) as specified at § 63.6645(a)(5). Compliance with all applicable provisions therein is required.
	3) In accordance with Plan Approval No. 4B04015, there shall be no direct release or bypass of LFG from the facility to the ambient air.
	4) In accordance with Plan Approval No. 4B04015, sound impacts shall not exceed 10 dB(A) above background and shall not cause a puretone condition as defined in the MassDEP's DAQC Policy No. 90-001. (State only requirement)
	5) In accordance with Plan Approval No. 4B04015, MassDEP personnel shall be provided immediate access to the plant site, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
	6) In accordance with Plan Approval No. 4B04015, if any nuisance condition(s) should be generated by the operation of this facility, immediate appropriate steps shall be taken to abate the nuisance condition(s)

Key:	
CFR	= Code of Federal Regulations
DAQC	= Division of Air Quality Control
dB(A)	= decibels weighted for the "A" scale
EU	= Emission Unit
hr	= hour
kW	= kilowatt
LFG	= Landfill Gas
MMBtu	= Million British Thermal Units
No.	= Number
UTM	= Universal Transverse Mercator
°	= degrees
'	= minutes
"	= seconds

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its Operating Permit application.

7. EMISSIONS TRADING

A. INTRA-FACILITY EMISSION TRADING

The Permittee did not request intra-facility emissions trading in its Operating Permit application.

B. INTER-FACILITY EMISSION TRADING

The Permittee did not request inter-facility emissions trading in its Operating Permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

B. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by

January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

12. PERMIT SHIELD

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this Permit shall alter or affect the following:

- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
- 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

14. PERMIT TERM

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or

termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This Permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring

compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based² emission limitations specified in this Permit as a result of an emergency³. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency

² Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

³ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

28. OZONE DEPLETING SUBSTANCES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
 - 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.

- 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

APPEAL CONDITIONS FOR OPERATING PERMIT

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.